

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MYRA RUDT-POHL,

Plaintiff,

-against-

MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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DEARIE, Chief Judge.

In this Social Security matter, the Court granted plaintiff's motion for judgment on the pleadings, vacating the Commissioner of Social Security's decision denying her disability benefits, and remanding the case so that the Commissioner could calculate the amount of disability benefits due plaintiff. The Commissioner ultimately determined that plaintiff was owed approximately \$60,762.00 in past-due disability benefits, and withheld 25% of that amount, \$15,190.05, in order to satisfy potential attorneys' fees.

Plaintiff brought a motion for attorneys' fees pursuant to 42 U.S.C. § 406(b), seeking an attorneys' fee award in the full amount of \$15,190.05 withheld by the Commissioner. The Court referred the motion to Magistrate Judge Pohorelsky for report and recommendation. In his Report and Recommendation dated April 15, 2010, Judge Pohorelsky recommends that plaintiff's motion be granted. The Commissioner did not oppose plaintiff's motion and has not objected to Judge Pohorelsky's Report and Recommendation.

**ORDER**  
07 CV 5019 (RJD) (VPP)

After reviewing the Report and Recommendation, and finding no clear error, the Court hereby adopts it in its entirety.

SO ORDERED.

Dated: Brooklyn, New York  
May 12, 2010

s/ Judge Raymond J. Dearie

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RAYMOND J. DEARIE  
United States District Judge